

111TH CONGRESS
1ST SESSION

S. 2823

To amend chapter 417 of title 49, United States Code, to require air carriers and ticket agents to notify consumers of all taxes and fees applicable to airline tickets in a timely manner, to prohibit the imposition of fuel surcharges that do not correlate to the fuel costs incurred by air carriers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 2, 2009

Mr. MENENDEZ introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend chapter 417 of title 49, United States Code, to require air carriers and ticket agents to notify consumers of all taxes and fees applicable to airline tickets in a timely manner, to prohibit the imposition of fuel surcharges that do not correlate to the fuel costs incurred by air carriers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Clear Airfares Act of
5 2009”.

1 **SEC. 2. NOTIFICATION REQUIREMENTS WITH RESPECT TO**
 2 **THE SALE OF AIRLINE TICKETS; RESTRIC-**
 3 **TIONS ON CERTAIN FUEL SURCHARGES.**

4 (a) IN GENERAL.—Section 41712 of title 49, United
 5 States Code, is amended by adding at the end the fol-
 6 lowing:

7 “(c) NOTICE OF TAXES AND FEES APPLICABLE TO
 8 TICKETS FOR AIR TRANSPORTATION.—

9 “(1) IN GENERAL.—It shall be an unfair or de-
 10 ceptive practice under subsection (a) for an air car-
 11 rier, foreign air carrier, or ticket agent to sell a tick-
 12 et for air transportation unless the air carrier, for-
 13 eign air carrier, or ticket agent, as the case may
 14 be—

15 “(A) displays information with respect to
 16 the taxes and fees described in paragraph (2),
 17 including the amount and a description of each
 18 such tax or fee, simultaneously with and in rea-
 19 sonable proximity to the price listed for the
 20 ticket; and

21 “(B) in the case of a ticket for air trans-
 22 portation sold on the Internet, provides to the
 23 purchaser of the ticket information with respect
 24 to the taxes and fees described in paragraph
 25 (2), including the amount and a description of
 26 each such tax or fee, before requiring the pur-

1 chaser to provide any personal information, in-
2 cluding the name, address, phone number, e-
3 mail address, or credit card information of the
4 purchaser.

5 “(2) TAXES AND FEES DESCRIBED.—The taxes
6 and fees described in this paragraph are all taxes,
7 fees, and charges applicable to a ticket for air trans-
8 portation, including—

9 “(A) all taxes, fees, charges, and sur-
10 charges included in the price paid by a pur-
11 chaser for the ticket, including fuel surcharges
12 and surcharges relating to peak or holiday trav-
13 el; and

14 “(B) any fees for checked baggage, seating
15 assignments, and optional in-flight goods and
16 services, and other fees that may be charged
17 after the ticket is purchased.

18 “(d) PROHIBITION ON FUEL SURCHARGES NOT COR-
19 RELATED TO COST.—

20 “(1) IN GENERAL.—It shall be an unfair or de-
21 ceptive practice under subsection (a) for an air car-
22 rier or foreign air carrier to impose a fuel surcharge
23 with respect to a ticket for air transportation unless
24 the amount of the fuel surcharge correlates to the
25 amount paid by the air carrier for fuel and to the

1 amount of fuel used by the air carrier to provide the
2 purchaser with such air transportation.

3 “(2) DETERMINATIONS OF CORRELATION.—The
4 Secretary of Transportation, in consultation with the
5 Administrator of the Federal Aviation Administra-
6 tion, shall prescribe standards to be used in deter-
7 mining under paragraph (1) whether a fuel sur-
8 charge imposed by an air carrier correlates to the
9 amount paid by the air carrier for fuel and to the
10 amount of fuel used by the air carrier to provide air
11 transportation.”.

12 (b) REGULATIONS.—The Secretary of Transpor-
13 tation, in consultation with the Administrator of the Fed-
14 eral Aviation Administration, shall prescribe such regula-
15 tions as may be necessary to carry out subsections (c) and
16 (d) of section 41712 of title 49, United States Code, as
17 added by subsection (a) of this section.

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